

31.07.2025

Item No.8

Ct. No.35

dc.

W.P.A. 14983 of 2025

**Sanjay Kumar Jaiswal & Anr.
versus
The State of West Bengal & Ors.**

Mr. Ranjan Kali,
Ms. Mitul Chakrabarty,
Ms. Payel Nath ... For the Petitioners.

Mr. Suman Ghosh,
Mr. Arka Mondal ... For the State.

Mr. Sudipto Panda,
Mr. Sajal Pandit,
Ms. Subrata Ghosh,
Ms. Sreeparna Ghosh ... For the Respondent No.4.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.

The petitioners are aggrieved by the fact that
repeated cases are being registered by Baguiati
Police Station. Attention of the Court has been
drawn to the first case being Baguiati P.S. Case No.
333/2022 dated 18.08.2022 which was registered
for investigation under Sections 498A/406 of the
Indian Penal Code wherein on conclusion of
investigation, charge-sheet has been submitted.
Thereafter again a case was initiated being Baguiati
P.S. Case No. 164/2025 dated 10.03.2025 under
Sections 316(2)/61(2) of BNS where the main
thrust of contention was in respect of dowry
articles. The same ended in a final report. Another

complaint was received by Baguiati Police Station on 14.06.2025 and a case was registered being Baguiati P.S. Case No. 378/2025 dated 14.06.2025 under Sections 223/126(2)/74/79/115(2)/117(2)/351(2)/3(5) of BNS. The investigation of the said case is in progress.

Learned advocate appearing for the private respondent no.4 submits that the private respondent had been to the matrimonial house pursuant to a court's order when she was assaulted. Consequent to which, she sustained injuries and as such had to approach the concerned police station lately for the last case which has been registered for investigation.

Learned advocate appearing for the State submits that the cases have been registered as pursuant to receipt of complaint, cognizable offences surfaced. A continuous matrimonial dispute still exists between the petitioner and the private respondent no.4 for which repeated complaints are being addressed to Baguiati Police Station. Whenever the police authorities are of the opinion that cognizable offences are made out, cases have been registered. However, to unearth the truth, proper steps have been taken and as such, in respect of Baguiati P.S. Case No. 164/2025 dated

10.03.2025, police authorities submitted a final report as 'mistake of fact'.

The petitioners are presently aggrieved by the non-consideration of the police authorities in respect of the information furnished on or about 24.06.2025.

Having considered that the police authorities are well acquainted with the petitioners as well as the private respondent no.4 and the genesis of the dispute stemming out of a matrimonial discord, I am of the view that in case the police authorities thought it fit and proper not to register a case, the remedies available under the BNSS, 2023 be exhausted by the petitioners.

Petitioners would be at liberty to approach the jurisdictional Magistrate under relevant provisions of Section 175(3) of BNSS. Learned Magistrate would assess and ascertain regarding the accusations and thereafter pass necessary directions as he deems fit and proper.

With the aforesaid observations, the writ petition being WPA 14983 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order,
if applied for, be supplied to the parties upon
compliance with all requisite formalities.

(Tirthankar Ghosh, J.)